

REMARKS

Applicant respectfully requests reconsideration of this application in view of the following remarks and the above amendments. This response is believed to fully address all issues raised in the Office Action mailed November 28, 2008. Furthermore, no new matter is believed to have been introduced hereby.

Claims 1-2, 4-5, 7-19, 21, and 23-33 remain pending as amended above.

Initially, the undersigned would like to thank Examiner Hussain for discussing the pending claims and cited art, most recently, on March 26, 2009. In accordance with that conversation, independent claims have been amended as detailed herein and believed to be in condition for allowance.

35 U.S.C. § 103 Rejection of the Claims

Claims 1, 2, 4, 5, 7-19, 21 and 23-33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Viswanath et al. (U.S. Patent No. 6,151,322) in view of Brukert et al. (U.S. Patent No. 4,916,704 A) and further in view of Doubler et al. (U.S. Publication No. 2004/0025105 A1).

Each of these rejections is respectfully traversed since the cited art, alone or in combination, fails to teach or suggest the claimed combination of features such as set forth in any of the pending claims.

More particularly, with respect to the rejection of claim 1, the Office states:

Viswanath and Brukert however are silent on disclosing explicitly, Checking the error prior to providing to the second port.

Doubler however discloses, checking the error prior to providing to the second port (Fig.3, [0003], where CRC processes the data before transmitting across the network).

The cited portion of Doubler states:

[0003] To ensure the accuracy of the data transmitted across a network, and to detect transmission errors as soon as they occur, various techniques have been implemented over the years. Perhaps the most popular technique is to append Cyclic Redundancy Check (CRC) values to the data packets before they are transmitted across the network.

As each data packet is received, a CRC calculation is performed on each data packet to produce a CRC value. This CRC value is compared to the CRC value appended to the data packet to determined if they are the same. If data has been lost or corrupted during transmission, the comparison of CRC values usually detects the error.

As can be seen, the above portion of Doubler merely indicates what happens when data is received and not when it is provided to the second port as claimed. The second port is claimed to be a transmit port, rather than the receiving process discussed by Doubler. Moreover, Doubler fails to compare CRCs anywhere in its description other than paragraph [0003] provided above. Therefore, Doubler fails to cure the short-coming of the other two references.

Without limiting the scope of embodiments of the invention, only in an effort to impart precision to the claims (e.g., by more particularly pointing out embodiments of the invention, rather than to avoid prior art), and merely to expedite the prosecution of the present application, Applicant has amended independent claim 1 to in part recite “wherein the portion of electronic data deleted comprises a VLAN (virtual local area network) tag” and “determining a value of the VLAN tag to be inserted into the frame prior to providing to the second port”. Support for this amendment may be found in the present specification, e.g., on page 9 and first two lines of page 10.

It is respectfully submitted that the cited art, alone or in combination, clearly fail to teach or even suggest the claimed combination of features such as set forth in claim 1, including for example, the claimed determining of the value of the VLAN tag to be inserted into the fram prior to providing to the second port.

The remaining independent claims recite similar (though not identical) language and have been rejected for similar reasons as claim 1. Hence, these remaining independent claims should be allowable for at least similar reasons as claim 1, as well as additional or alternative elements that are recited therein but not shown in the cited prior art.

Furthermore, claim 9 is rejected over Viswanath only. However, the combination of Viswanath and Doubler would still not teach all the elements as Doubler was relied upon to teach the claimed CRC check and Doubler fails to teach checking CRC prior to transmitting data on the claimed second port. Accordingly, combination of the Viswanath and Doubler to teach the elements of claims 1 and 9 is improper.

Also, claims 31-33 recite that the claimed memory is an internal memory. The claimed memory is defined to store a frame with a CRC inserted. Viswanath clearly teaches away from this further element (see, e.g., repeated mentioning of “external” memory which is used to store data in Viswanath abstract and elsewhere). Also, Brukert fails to cure this shortcoming. In particular, the Office points to item 1830 in Fig. 18 of Brukert, but this item can not be reasonably construed to as the claimed “internal memory. Hence, claims 31-33 are in condition for allowance for at least this further reason. Support for the language of claims 31-33 may be found in the present specification, e.g., line 7 of page 10.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (303.800.6678) to facilitate prosecution of this application.

Applicant hereby petitions, as well as includes the appropriate fee herewith, to obtain a one-month extension of the period for responding to the Office action, thereby moving the deadline for response from February 28, 2009, to March 28, 2009 (and automatically to March 30, 2009, since March 28, 20069, was a Saturday).

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 50-4238.

Respectfully submitted,

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Date March 30, 2009

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